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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,338	01/26/2001	Neil Fishman	13768.158	6789

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WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
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SALT LAKE CITY, UT 84111

EXAMINER

SHINGLES, KRISTIE D

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,338

Applicant(s)

FISHMAN ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-19,21-24 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-19,21-24 and 26-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

*Applicant has amended claims 1, 6, 10, 11, 14, 17, 21-24 and 26-28.*

*Claims 8, 20 and 25 are cancelled. Claims 36-38 are new.*

*Claims 1-7, 9-19, 21-24 and 26-38 are pending.*

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112, second paragraph*

2. **Regarding claim 27**, the correction to the claim language is accepted by the Examiner. Thus, the 35 U.S.C. 112, second paragraph rejection is withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4: **Claims 1, 4, 5, 7, 9, 21, 22, 24, 26 and 36** are rejected under 35 U.S.C. 102(e) as being anticipated by *Abu-Hakima* (USPN 6,499,021).

a. **Per claim 1**, *Abu-Hakima* teaches a computerized system that includes a content server, a mobile gateway, and a first and a second mobile client, the first and second mobile clients differing from each other in at least one operating characteristic, wherein the mobile gateway receives content that is addressed to the first and second mobile clients from the content server, a method of customizing the content based on at least one operating characteristic of each mobile client, wherein the customizing avoids further processing at the content server, the method comprising a mobile gateway performing the acts of:

- assigning a first transform to the first mobile client and assigning a second transform to the second mobile client, the first and second transforms specifically considering one or more operating characteristics of the first and second mobile clients (col.8 lines 15-23; a device mediator agent formats the messages according to the client's communication device type);
- receiving a list from the content server containing addresses for a plurality of mobile clients, including the first mobile client and the second mobile client (col.8 lines 15-18; the personal intelligent agent sends the device manger identification of the communication devices to which the message is to be sent);
- receiving content from the content server, the content being addressed to the list, wherein the content has not yet been altered in accordance with the first or second transform (Figure 1, col.8 lines 15-18);
- determining at the mobile gateway that the first transform and the second transform are to be applied to the received content upon the mobile gateway identifying that the list includes an address for the first mobile client and an address for the second mobile client (col.8 lines 15-35; the device gateways tailor the content of the message according to the device's display capabilities);
- altering the content according to the first and second transforms so that the content is compatible with the one or more operating characteristics of the first and second mobile clients, the altered content comprising a first transformed content and a second transformed content (col.8 lines 23-35);

- addressing the first transformed content to the first mobile device and addressing the second transformed content to the second mobile device using the plurality of addresses received in the list (col.8 lines 30-35);
- establishing a communication link between the mobile gateway and the first and second mobile clients (col.8 lines 30-35); and
- sending the first transformed content to the first mobile client and sending the second transformed content to the second mobile client (col.8 lines 30-35).

b. **Claim 36** contains limitations that are substantially equivalent to claim 1 and is therefore rejected under the same basis.

c. **Per claim 4**, *Abu-Hakima* teaches the method of claim 1, wherein at least one of the mobile clients is one of a telephone, a pager, a personal digital assistant, or a cascaded mobile gateway (col.3 lines 55-63).

d. **Claim 21** is substantially equivalent to claim 4 and is therefore rejected under the same basis.

e. **Per claim 5**, *Abu-Hakima* teaches the method of claim 1, wherein the first transformed content comprises a notification that additional content is available at the content server, the method further comprising the acts of: receiving a request for the additional content from the first mobile client; retrieving the additional content from the content server; altering the additional content according to the first transform so that the content is compatible with the one or more operating characteristics of the first mobile client, the act of altering producing a first transformed additional content; and sending the first transformed additional content to the first mobile client (Figure 1, col.8 lines 15-35).

Art Unit: 2141

f. **Claim 22** is substantially equivalent to claim 5 and is therefore rejected under the same basis.

g. **Per claim 7**, *Abu-Hakima* teaches the method of claim 1, the method as recited in claim 1 wherein the computerized system includes a third mobile client, the method further comprising the acts of: assigning the first transform to the third mobile client, the first transform specifically considering one or more operating characteristics of the third mobile client; and sending the first transformed content to the third mobile client (col.8 lines 24-30).

h. **Claim 24** is substantially equivalent to claim 7 and is therefore rejected under the same basis.

i. **Per claim 9**, *Abu-Hakima* teaches the method of claim 1, wherein the content comprises one of email, calendar, contact, task, Web, notification, financial, configuration, and sports content (col.8 lines 30-35).

j. **Claim 26** is substantially equivalent to claim 9 and is therefore rejected under the same basis.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2141

6. Claims 3, 6, 10, 11, 13-19, 23, 27, 28, 30-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Abu-Hakima* (USPN 6,499,021) in view of *Kloba et al* (USPN 6,839,744).

a. **Per claim 10**, *Abu-Hakima* teaches at a mobile gateway in a computerized system that includes a content server, the mobile gateway, and a first mobile client, wherein the mobile gateway receives from the content server, content that is addressed to the first mobile client, a method of customizing the content based on at least one operating characteristic of the first mobile client, wherein the customizing avoids further processing at the content server, the method comprising a mobile gateway performing the acts of:

- assigning a first transform to a first mobile client and a second transform to a second mobile client, the first transform specifically considering one or more operating characteristics of the first mobile client, the second transform specifically considering one or more operating characteristics of the second mobile client (col.8 lines 15-23; a device mediator agent formats the messages according to the client's communication device type);
- establishing a communication link between the mobile gateway and the first mobile client (col.8 lines 30-35); and
- the mobile gateway sending the content altered in accordance with the updated first transform to the first mobile client, and sending the content altered in accordance with the second transform to the second mobile client (col.8 lines 30-35).

*Abu-Hakima* teaches the utilization of device gateways for tailoring the content of messages according to the type of communication device receiving the message (col.8 lines 15-35). Yet *Abu-Hakima* fails to explicitly teach: determining at the mobile gateway that a change has occurred with the one or more operating characteristics of the first mobile client, such that prior hardware or software configuration information of the first mobile client is incompatible

Art Unit: 2141

with the first transform; and creating an updated first transform at the mobile gateway, wherein the updated first transform is consistent with the change in operating characteristics of the first mobile client. However, *Kloba et al* teach receiving updates of the device information, wherein changes in the device characteristics are sent to the server in order to customize content according to the device's updated attributes (col.25 lines 9-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Abu-Hakima* with *Kloba et al* for the purpose of relaying updates of the client's device information to the gateway in order for the gateway server to customize the content accordingly and to keep the gateway server up-to-date on the device's operating characteristics.

b. **Claims 17-19, 27, 33-35, 37 and 38** contain limitations that are substantially equivalent to claims 1 and 10 and are therefore rejected under the same basis.

c. **Per claim 30**, *Abu-Hakima* and *Kloba et al* teach the product of claim 27, *Verkler et al* further teach the product as recited in claim 27 further comprising the act of at least one of the transforms compressing the content (col.6 lines 39-41).

d. **Claims 3 and 13** are substantially equivalent to claim 30 and are therefore rejected under the same basis

e. **Per claim 11**, *Abu-Hakima* and *Kloba et al* teach the method of claim 10, *Kloba et al* further teach the method as recited in claim 10 wherein the one or more operating characteristics considered by the first and second transforms include the first and second mobile client's memory capabilities and at least one of the first and second mobile client's software,



Art Unit: 2141

processor, display, or communication link (col.5 line 65-col.6 line 33, col.23 line 56-col.24 line 19; *Abu-Hakima*: col.8 lines 18-30).

f. **Claims 6, 23 and 28** are substantially equivalent to claim 6 and are therefore rejected under the same basis.

g. **Claims 14 and 31** are substantially equivalent to claim 5 and are therefore rejected under the same basis.

k. **Claim 35** is substantially equivalent to claim 7 and is therefore rejected under the same basis.

h. **Claim 15** is substantially equivalent to claim 4 and is therefore rejected under the same basis.

l. **Claim 16** is substantially equivalent to claim 9 and is therefore rejected under the same basis.

m. **Claim 32** is substantially equivalent to claims 4 and 9 and is therefore rejected under the same basis.

7. **Claims 2, 12 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Abu-Hakima* (USPN 6,499,021) in view of *Kloba et al* (USPN 6,839,744) and further in view of *Verkler et al* (USPN 5,850,517).

a. **Per claim 12**, *Abu-Hakima* and *Kloba et al* teach the method of claim 10 as applied above, yet fail to explicitly teach the method as recited in claim 10 further comprising the act of the first transform encrypting the content. However, *Verkler et al* further teach the

Art Unit: 2141

method as recited in claim 1 further comprising the act of at least one of the transforms encrypting the content (col.7 lines 50-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Abu-Hakima* and *Kloba et al* with *Verkler et al* for the purpose of encrypting the content before sending it to the client device, in order to ensure the integrity of the content and to provide secure data based upon the authorization of the client or the authentication of the client's device.

b. **Claims 2 and 29** are substantially equivalent to claim 12 and are therefore rejected under the same basis.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Pepe et al (5,742,905), Teshima et al (6,750,830), Chesnais et al (2002/0087704), Inohara et al (6,567,828).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2141

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

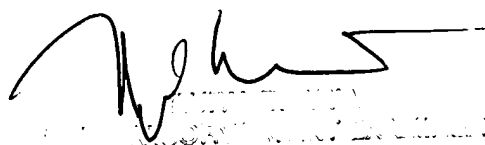
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie Shingles***  
***Examiner***  
***Art Unit 2141***

***kds***

A handwritten signature in black ink, appearing to read 'Kristie Shingles', is written over a faint, rectangular stamp. The signature is fluid and cursive.